

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                             |   |                  |
|-----------------------------|---|------------------|
| MIGUEL A. ADAMS,            | ) |                  |
|                             | ) |                  |
| Plaintiff,                  | ) |                  |
| vs.                         | ) | NO. CIV-08-150-D |
|                             | ) |                  |
| D. O. JAMES PALMER, et al., | ) |                  |
|                             | ) |                  |
| Defendants.                 | ) |                  |

**ORDER**

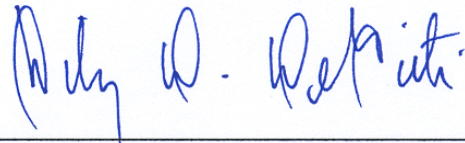
Plaintiff, a pretrial detainee at the Oklahoma County, Oklahoma Detention Center, brought this action pursuant to 42 U. S. C. § 1983, alleging violations of his civil rights by Defendants. Following the adjudication of several motions, volunteer counsel were appointed to represent Plaintiff. Defendants Kevin Johnson, Bryan Arrington, and James Palmer were granted leave to file a second motion to dismiss the claims asserted against them. Pursuant to the 28 U. S. C. § 636(b)(1)(B) referral which remained in place, the motion [Doc. No. 45] was referred to United States Magistrate Judge Robert Bacharach for review and recommendation.

On August 14, 2009, the Magistrate Judge filed a Report and Recommendation [Doc. No. 50] in which he recommended granting the motion and allowing Plaintiff leave to amend his complaint. In the Report and Recommendation, the Magistrate Judge advised the parties of their right to object, and he scheduled a September 3, 2009 deadline for filing objections. He further expressly advised the parties that failure to timely object to the findings and conclusions in the Report and Recommendation would constitute a waiver of the right to appellate review.

The deadline for filing objections has expired, and no party has objected or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 50]

is ADOPTED as though fully set forth herein. The Motion to Dismiss [Doc. No. 45] is GRANTED. Plaintiff is granted leave to file an amended complaint no later than 20 days from the date of this Order.

IT IS SO ORDERED this 13<sup>th</sup> day of November, 2009.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE